

THURSDAY, FEBRUARY 19, 1976



PART III:

# THE PRESIDENT

## UNITED STATES FOREIGN INTELLIGENCE ACTIVITIES

Executive Order 11905

MARKED TO INDICATE  
CHANGES IN 15 AUGUST  
DRAFT OF PROPOSED  
SUBSTITUTE EXECUTIVE  
ORDER

## THE PRESIDENT

## Title 3—The President

Executive Order 11905

February 18, 1976

## United States Foreign Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the National Security Act of 1947, as amended, and as President of the United States of America, it is hereby ordered as follows:

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POLICY REVIEW COMMITTEE  
SPECIAL COORDINATION COMMITTEE

(2) NATIONAL INTELLIGENCE  
TASKING CENTER  
(1) NATIONAL FOREIGN INTELLIGENCE  
BOARD

DEPARTMENT OF ENERGY

DRUG ENFORCEMENT ADMINISTRATION

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THE PRESIDENT

TO IMPROVE THE  
EFFECTIVENESS OF  
COUNTERINTELLIGENCE  
ACTIVITIES

Section 1. Purpose. The purpose of this Order is to establish policies to improve the quality of intelligence needed for national security, to clarify the authority and responsibilities of the intelligence departments and agencies, and to establish effective oversight to assure compliance with law in the management and direction of intelligence agencies and departments of the national government.

DIRECTOR OF CENT  
INTELLIGENCE

Sec. 2. Definitions. For the purpose of this Order, unless otherwise indicated, the following terms shall have these meanings:

(a) Intelligence means:

(1) Foreign intelligence which means information, other than foreign counterintelligence, <sup>RELATING TO</sup> the capabilities, intentions and activities of foreign <sup>PERSONS</sup> powers, organizations, or their agents; and

(2) Foreign counterintelligence which means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination or terrorism.

(b) Intelligence Community refers to the following organizations:

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;

THE NEW ORDER  
MOVES TO THIS  
SECTION  
DEFINITIONS  
IN SECTION 5  
PP 24-26

NEW  
DEFINITION  
AS SEC. 2  
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- (4) ~~Special~~ offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs; *NATIONAL FOREIGN*
- (5) Intelligence elements of the military services; *NATIONAL FOREIGN*
- (6) ~~Intelligence element of the Federal Bureau of Investigation;~~ *FOREIGN COUNTER-*
- (7) ~~Intelligence element of the Department of State;~~ *FOREIGN*
- (8) ~~Intelligence element of the Department of the Treasury; and~~ *FOREIGN*
- (9) ~~Intelligence element of the~~ *DEPARTMENT OF* Energy Research and Development Administration. *FOREIGN*
- (10) ~~FOREIGN INTELLIGENCE ELEMENT OF THE DRUG ENFORCEMENT ADMINISTRATION.~~ *FOREIGN*
- (c) Special activities in support of national

foreign policy objectives means activities, other than the collection and production of intelligence and related support functions, <sup>which are</sup> designed to further official United States programs and policies abroad which are planned and executed so that the role of the United States Government is not apparent or publicly acknowledged.

(d) National Foreign Intelligence Program means the programs of the Central Intelligence Agency and the ~~Special~~ offices within the Department of Defense for the collection of specialized <sup>NATIONAL FOREIGN</sup> intelligence through reconnaissance programs, the Consolidated Cryptologic Program, ~~and those elements of the~~ General Defense Intelligence Program, and other programs of the departments and agencies, not including tactical intelligence, designated by the Committee on Foreign Intelligence as part of the Program.

ELEMENTS OF THE AGENCIES WITHIN THE INTELLIGENCE COMMUNITY DESIGNATED BY BOTH THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE HEAD OF THE DEPARTMENT OR AGENCY INVOLVED AS OPERATING IN THE NATIONAL INTELLIGENCE BUT NOT INCLUDING TACTICAL INTELLIGENCE PROGRAMS.

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Sec. 3. Control and Direction of National Intelligence Organizations.

(a) National Security Council.

(1) The National Security Council was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. Statutory members of the National Security Council are the President, the Vice President, the Secretary of State, and the Secretary of Defense.

(2) ~~Among its responsibilities,~~ <sup>(i)</sup> The National Security Council shall <sup>FOR</sup> provide guidance and direction to the development and formulation of national intelligence activities.

~~(iii) (b) The National Security Council shall conduct a semi-annual review of intelligence policies and of ongoing special activities in support of national Foreign policy objectives. These reviews shall consider the needs of users of intelligence and the timeliness and quality of intelligence products and the continued appropriateness of special activities in support of national Foreign policy objectives. The National Security Council shall consult with the Secretary of the Treasury and such other users of intelligence as designated by the President as part of these reviews.~~

(11) MAKE RECOMMENDATIONS TO THE PRESIDENT WITH RESPECT TO THE TRANSFER OF FUNCTIONS FROM THE DCI TO THE SECRETARY OF DEFENSE WHEN A CHANGE FROM PRESENT OCCURS AND WITH RESPECT TO OTHER MATTERS AFFECTING THE ORGANIZATION OF INTELLIGENCE ACTIVITIES.

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~~POLICY REVIEW COMMITTEE~~  
(b) ~~Committee on Foreign Intelligence~~

(1) There is established the ~~Committee on~~ <sup>POLICY REVIEW</sup>

~~Foreign Intelligence (hereinafter referred to as the~~

~~CFI), which shall be composed of the Director of~~

~~Central Intelligence, hereinafter referred to as the~~

~~DCI, who shall be the Chairman; the Deputy Secretary~~

~~of Defense, for Intelligence, and the Deputy Assistant~~

~~to the President for National Security Affairs. The~~

~~CFI shall report directly to the National Security Council.~~

(2) The CFI shall (i) ~~define and set out~~

~~the National Foreign~~

~~Intelligence Program. REQUIREMENTS~~

~~(A) The CFI shall, prior to submission~~

~~to the Office of Management and Budget, review, and~~

~~amend as it deems appropriate, the budget for the~~

~~National Foreign Intelligence Program.~~

~~(B) The CFI shall also adopt rules~~

~~governing the reprogramming of funds within this budget.~~

~~Such rules may require that reprogrammings of certain~~

~~types or amounts be given prior approval by the CFI.~~

~~(ii) Establish policy priorities for the col-~~

~~lection and production of national intelligence.~~

~~(iii) Establish policy for the management of~~

~~the National Foreign Intelligence Program.~~

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(iv) ~~Provide guidance on the relationship between tactical and national intelligence; however, neither the DCI nor the CFI shall have responsibility for tactical intelligence.~~

(v) ~~Provide continuing guidance to the Intelligence Community in order to ensure compliance with policy directions of the NSC.~~

(3) ~~The CFI shall be supported by the Intelligence Community staff headed by the Deputy to the Director of Central Intelligence for the Intelligence Community.~~ *POLICY REVIEW COMMITTEE OF THE NATIONAL SECURITY DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS*

(4) ~~The CFI shall establish such subcommittees or advisory groups as it deems appropriate to ensure consultation with members of the Intelligence Community on policies and guidance issued by the CFI.~~ *POLICY REVIEW COMMITTEE SHALL CARRY OUT ITS FUNCTIONS.*

(5) ~~Decisions of the CFI may be reviewed by the National Security Council upon appeal by the Director of Central Intelligence or any member of the National Security Council.~~ *POLICY REVIEW COMMITTEE*

(c) ~~The Operations Advisory Group.~~ *SPECIAL COORDINATION COMMITTEE*

(1) There is established the Operations

~~tions Group~~, which shall be composed of the Assistant to the President for National Security Affairs; the Secretaries of State and Defense; the Chairman of the Joint Chiefs of Staff; and the Director of Central Intelligence ~~OR THEIR DESIGNEE~~ *WHO SHALL BE CHAIRMAN*. The Attorney General and the Director

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of the Office of Management and Budget or their <sup>DESIGNEES</sup> representatives, and others ~~who may be~~ designated by the President, <sup>MAY</sup> ~~shall~~ attend all meetings as observers. <sup>THE SCC SHALL REPORT DIRECTLY TO THE</sup>

(2) The Operations <sup>SPECIAL COORDINATION COMMITTEE</sup> Group shall (i) consider

and develop a policy recommendation, including any dissents, for the President prior to his decision on each special activity in support of national foreign policy objectives.

(ii) Conduct <sup>DEVELOP GUIDELINES FOR THE DCI AS TO THE SPECIAL ACTIVITIES IN SUPPORT OF</sup> periodic reviews of programs previously considered by the Operations Group. <sup>POLICY OBJECTIVES THAT WARRANT CONSIDERATION BY THE SCC.</sup>

(iii) Give <sup>NATIONAL</sup> approval for specific sensitive intelligence collection operations as designated by the <sup>SPECIAL</sup> Operations Group. <sup>COORDINATION COMMITTEE</sup>

(iv) Conduct periodic reviews <sup>OF PROGRAMS PREVIOUSLY CONSIDERED BY THE SCC</sup> of ongoing sensitive

intelligence collection operations.

(v) <sup>PROVIDE TO THE NSC A SEMI-ANNUAL REPORT ON ACTIVITIES OF THE</sup> The Operations Group shall discharge

the responsibilities assigned by subparagraphs (c) (2) (i)

and (c) (2) (iii) of this section only after consideration

in a formal meeting attended by all members and observers <sup>OR THEIR DESIG.</sup>

or, in unusual circumstances when any member or observer

is unavailable, when a designated representative of

the member or observer attends.

(5) <sup>THE SCC SHALL BE SUPERVISED BY</sup> The staff of the National Security Council <sup>HEADED BY THE DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY</sup> shall provide support to the Operations Group.

(6) Director of Central Intelligence.

(1) The Director of Central Intelligence,



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(XIV), (XV), (XVI)  
(XIV) AND (XVI)  
THE NEW PAPER  
ADDITIONS TO  
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pursuant to the National Security Act of 1947, shall  
be responsible directly to the National Security Council  
and the President. He shall:

(iii) ~~Chair~~ the ~~NSC POLICY REVIEW COMMITTEE AND THE NFIB~~ ~~CFI~~.

(ii) Act as executive head of the CIA and ~~Intelli-~~  
~~gence Community staff.~~ ~~AS MAY BE REQUIRED FOR DISCHARGE OF HIS INTELLIGENCE COMMUNITY RE~~  
OF SUCH STAFF ELEMENT

MARKEDLY REVISED  
AND EXPANDED  
AS NEW (V)

(iii) Ensure the development and submission of  
a budget for the National Foreign Intelligence Program  
to the CFI.

(i) (iv) Act as the President's primary adviser on ~~NATIONAL~~  
foreign intelligence and provide ~~him~~ <sup>THE PRESIDENT</sup> and other officials  
in the Executive branch with ~~foreign intelligence,~~  
~~including National Intelligence Estimates; develop~~  
~~national intelligence requirements and priorities;~~  
~~and supervise production and dissemination of national~~  
~~intelligence.~~ <sup>NATIONAL</sup>

EXPANDED IN  
NEW (VII)

(X) ~~Ensure~~ appropriate implementation of special  
activities in support of national foreign policy  
objectives.

(X) (vi) Establish procedures to ensure the propriety  
of requests, and responses thereto, from the White House  
Staff or other Executive departments and agencies to  
the Intelligence Community.

XIII (vii) Ensure that appropriate programs are  
developed which properly protect intelligence sources,  
methods and analytical procedures. His responsibility

(A) Protection by lawful means against

disclosure by present or former employees of the <sup>FEDERAL DEPARTMENT</sup>  
~~AND AGENCIES~~  
~~Central Intelligence Agency~~ or persons, or employees

of persons or organizations, presently or formerly  
 under contract with ~~the Agency~~ <sup>THEIR</sup>

(B) providing <sup>CRITERIA</sup> leadership, guidance

and technical assistance to ~~other~~ government depart-  
 ments and agencies performing foreign intelligence  
 activities; and

(C) <sup>(D)</sup> in cases involving serious or con-  
 tinuing security violations, recommending to the  
 Attorney General that the case be referred to the Federal  
 Bureau of Investigation for further investigation.

(XII) Establish a vigorous program to downgrade  
 and declassify foreign intelligence information as

appropriate and consistent with <sup>RELEVANT</sup> Executive Order No. 12632,  
 AND WITH DUE REGARD TO PROTECTION OF SOURCES AND METHODS.

(ix) Ensure the existence of strong Inspector  
 General capabilities in all elements of the Intelligence  
 Community and that each Inspector General submits  
 quarterly to the Intelligence Oversight Board a report  
 which sets forth any questionable activities in which  
 that intelligence organization has engaged or is engaged.

(XVIII) Ensure the establishment, by the Intelligence  
 Community, of common security standards for managing  
 and handling foreign intelligence systems, information

and products, and for granting access thereto <sup>IN ACCORDANCE</sup>  
 WITH RELEVANT EXECUTIVE ORDERS.

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(C) DEVISING PROCEDURES AND ISSUING CRITERIA TO  
 PROTECT INTELLIGENCE INFORMATION, INCLUDING INFORMATION  
 THAT MAY REVEAL INTELLIGENCE SOURCES AND METHODS,  
 WHICH IS DISSEMINATED TO FEDERAL DEPARTMENTS AND

(iv) ~~(act)~~ Act as the principal spokesman to the Congress for the Intelligence Community and facilitate the use of foreign intelligence products by <sup>the</sup> Congress.

(v) ~~(xii)~~ Promote the development and maintenance <sup>by</sup> ~~the Central Intelligence Agency~~ of services of common concern ~~to the Intelligence Community organizations, including multi-discipline analysis, national level intelligence products, and a national level current intelligence publication.~~

ILLEGIB

(xvi) ~~(xiii)~~ Establish uniform criteria for the identification, selection, and designation of relative priorities for the transmission of critical intelligence, and provide the Secretary of Defense with continuing guidance as to the communications requirements of the Intelligence Community for the transmission of such intelligence.

(xiv) Establish such committees <sup>OR OTHER ADVISORY GROUPS</sup> ~~of collectors,~~ <sup>AS ARE DEEMED APPROPRIATE</sup> producers and users of intelligence to assist in his <sup>THE EXECUTION</sup> ~~conduct~~ of his responsibilities as he deems appropriate.

(xv) Consult with users and producers of intelligence, including the Departments of State, Treasury, and Defense, the military services, the Federal Bureau of Investigation, the Energy Research and Development Administration, and the Council of Economic Advisors, to ensure the timeliness, relevancy and quality of the intelligence product.

(2) To assist the Director of Central Intelligence in the supervision and direction of the Intelligence Community, the position of Deputy to the Director of Central Intelligence for the Intelligence Community is hereby established (Committee on Foreign Intelligence).

(3) ~~THE DCI SHALL HAVE AUTHORITY TO APPOINT~~  
~~TO ASSIST THE DIRECTOR OF CENTRAL INTELLIGENCE~~  
~~SUCH SUBORDINATE MANAGEMENT OFFICERS AS ARE~~  
~~CONSIDERED NECESSARY, AND THESE OFFICERS SHALL HAVE~~  
~~SUCH AUTHORITY AS THE DCI MAY PRESCRIBE IN~~  
~~ACCORDANCE WITH RELEVANT EXECUTIVE ORDERS~~  
~~responsibilities, delegate the day-to-day operation of~~  
~~the Central Intelligence Agency to the Deputy Director~~  
~~of Central Intelligence (50 U.S.C. 403(a)).~~

(4) To assist the DCI in the fulfillment of  
~~his~~ <sup>ASSIGNED IN THIS ORDER</sup> responsibilities, <sup>EXECUTIVE BRANCH</sup> the heads of all departments and  
<sup>THE DCI</sup> agencies shall give him access to all information  
relevant to the foreign intelligence needs of the United  
States. Relevant information requested by the DCI shall  
be provided and the DCI shall take appropriate steps  
to maintain its confidentiality.

Sec. 4. Responsibilities and Duties of the  
Intelligence Community. Purpose. The rules of operation

prescribed by this section of the Order relate to the  
activities of our <sup>THE INTELLIGENCE COMMUNITY</sup> foreign intelligence agencies. In  
some instances, detailed implementation of this Executive  
Order will be contained in classified documents because  
of the sensitivity of the information and its relation

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ARE ON  
(2) NATIONAL  
INTELLIGENCE  
TASKING CENTER  
(1) NATIONAL  
FOREIGN INTELLIGENCE  
BOARD

to national security. All such classified instructions will be consistent with this Order. Unless otherwise specified ~~within this section~~ <sup>THE</sup> <sup>OF THIS SECTION</sup> its provisions apply to activities both inside and outside the United States, and all references to law are to applicable laws of the United States. Nothing in this section of this Order shall be construed to interfere with any law-enforcement responsibility of any department or agency.

(a) Senior Officials of the Intelligence Community.

The senior officials of ~~the CIA, Departments of State, Treasury and Defense, ERDA and the FBI~~ <sup>EACH OF THE ORGANIZATIONS IN THE INTELLIGENCE COMMUNITY</sup> shall ensure

that, in discharging the duties and responsibilities ~~set out in paragraphs (c) through (h) of this section,~~ <sup>SET OUT IN PARAGRAPHS (C) THROUGH (H) OF THIS SECTION,</sup> enumerated for their organizations which relate to

~~foreign intelligence~~ <sup>(1) BE</sup> they are responsive to the needs

of the President, the National Security Council and

other elements of the Government. ~~In carrying out their~~

~~duties and responsibilities, senior officials shall~~

(3) ensure that all policies and directives relating to ~~foreign intelligence activities~~ <sup>AND FOREIGN COUNTERINTELLIGENCE</sup> are carried out in accordance with ~~law and this Order, including section 5, and shall:~~ <sup>APPLICABLE</sup>

(4) (1) Make appropriate use of the capabilities of the other elements of the Intelligence Community in order to achieve maximum efficiency.

(5) (2) Contribute ~~in areas of his responsibility~~ <sup>THEIR</sup> to the national intelligence products produced under auspices of the Director of Central Intelligence.

(2) BE RESPONSIVE TO BUDGETARY AND COLLECTION TASKING BY THE DCI FOR NATIONAL FOREIGN INTELLIGENCE

(6) Establish internal policies and guidelines governing employee conduct and ensuring that such are made known to, and acknowledged by, each employee.

(7) Provide for a strong and independent INTERNAL MEANS TO IDENTIFY, INSPECT AND REPORT organization for identification and inspection of, and reporting on, unauthorized activity.

(8) (5) Report to the Attorney General <sup>CRIMINAL VIOLATION</sup> that information <sup>OFF FEDERAL</sup> which relates to detection or prevention of possible violations of law by any person, including an employee

of the senior official's department or agency, <sup>PURSUANT TO GUIDELINE</sup> ADOPTED BY THE ATTORNEY GENERAL,

(9) (6) Furnish to the Director of Central Intelligence, the <sup>POLICY REVIEW COMMITTEE, THE SPECIAL COORDINATION COMMITTEE</sup> the Operations Group, the President's Foreign Intelligence Advisory Board, and the Intelligence

Oversight Board ~~all of~~ the information required for the performance of their respective duties.

(10) Participate, as appropriate, in the provision of services of common concern as directed by the Director of Central Intelligence, and provide other

departments and agencies with such mutual assistance as may be within his capabilities and as may be required in the interests of the Intelligence Community for reasons of economy, effectiveness, or operational necessity.

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(11) (8) Protect intelligence and intelligence sources and methods ~~[within his department or agency]~~ consistent with policies and guidance of the Director of Central Intelligence.

(12) (9) ~~Carry out programs to downgrade and~~ Conduct a continuing review of all classified material originating within his organization and ~~promptly declassifying such material consistent with~~ DECLASSIFY FOREIGN INTELLIGENCE INFORMATION AS APPROPRIATE AND CONSISTENT WITH RELEVANT EXECUTIVE ORDERS

~~Executive Order No. 11652, as amended.~~

(10) ~~Provide administrative and support functions required by his department or agency.~~

(b) The Central Intelligence Agency. All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign intelligence functions ~~outlined below.~~ SET UP As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations, and directives, the Central Intelligence Agency shall:

(1). Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, sociological, and geographic intelligence, to meet the needs of the President, the National Security Council, and other elements of the United States Government.

(2). Develop and conduct programs to collect political, economic, scientific, technical, military,

~~geographic and sociological information not otherwise~~

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obtainable, relating to foreign intelligence, in accordance with directives of the National Security Council AND THE DIRECTOR OF CENTRAL INTELLIGENCE.

(3) Collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics.

(4) Conduct foreign counterintelligence activities outside the United States and <sup>COORDINATE</sup> ~~when in the~~ ~~UNITED STATES in coordination with the FBI subject~~ ~~WITIN THE INTELLIGENCE COMMUNITY THAT ARE CONDUCTED~~ ~~to the approval of the Attorney General.~~ ~~OUTSIDE THE UNITED STATES.~~

(5) Carry out such other special activities in support of national foreign policy objectives <sup>which</sup> ~~are~~ ~~may be~~ directed by the President or the National Security Council and which are within the limits of applicable law.

(6) Conduct, for the Intelligence Community, services of common concern as directed by the National Security Council, such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of foreign intelligence information from cooperating sources in the United States, acquisition and translation of foreign publications and photographic interpretation.

(7) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized in this

(5) CONDUCT FOREIGN COUNTERINTELLIGENCE ACTIVITIES WITHIN THE UNITED STATES IN LEGAL COORDINATION WITH THE ATTORNEY GENERAL



(9) (S) Protect the security of its installations, activities, information and personnel. In order to maintain this security, the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.

(10) (S) Conduct administrative, technical and support activities in the United States or abroad as may be necessary to perform the functions described in paragraphs (1) through (9) above, including procurement, maintenance and transport; communications and data processing; recruitment and training; the provision of personnel, financial and medical services; development of essential cover and proprietary arrangements <sup>AND THEIR NECESSARY SUPPORT</sup>; entering into contracts and arrangements with appropriate private companies and institutions to provide classified or unclassified research, analytical and developmental services and specialized expertise; and entering into similar arrangements with academic institutions, provided CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials.

(c) The Department of State. The Secretary of State shall:

(1) Collect, overtly, foreign political, political-military, sociological, economic, scientific, technical and associated biographic information.

(2) BE RESPONSIVE TO TASKING BY THE DCI FOR NATIONAL FOREIGN INTELLIGENCE PURPOSES. 17

(3) (2) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of <sup>THE SECRETARY'S</sup> his responsibilities and in support of policy-makers involved in foreign relations within the United States Government.

(4) (2) Disseminate within the United States Government, as appropriate, reports received from United States diplomatic missions abroad.

(5) (2) Coordinate with the Director of Central Intelligence to ensure that United States intelligence activities and programs are useful for and consistent with United States foreign policy.

(6) (5) Transmit reporting requirements of the Intelligence Community to our Chiefs of Missions abroad, ~~and provide guidance for their collection efforts.~~

(7) (2) Contribute to the Intelligence Community guidance for its collection of intelligence based on the needs of those responsible for foreign policy decisions.

(8) (2) Support Chiefs of Missions in discharging their responsibilities to direct and coordinate the activities of all elements of their missions.

(d) The Department of the Treasury. The Secretary of the Treasury shall:

(1) Collect, overtly, foreign financial and monetary information.

(2) Participate with the Department of State in the overt collection of general foreign economic information.

(3) Produce that intelligence required for the execution of the Secretary's interdepartmental responsibilities and the mission of the Department of the Treasury.

(4) Contribute intelligence and guidance required for the development of national intelligence.

(5) Disseminate within the United States Government, as appropriate, foreign intelligence information acquired.

(e) Department of Defense.

(1) The Secretary of Defense shall:

(i) Collect foreign military intelligence information as well as military-related foreign intelligence information, including scientific, technical, political and economic information as required for the execution of his responsibilities.

(ii) Produce and disseminate, as appropriate, intelligence emphasizing foreign military capabilities and intentions and scientific, technical and economic developments pertinent to his responsibilities.

(iii) Conduct such programs and missions necessary to fulfill national intelligence requirements as determined by the CFI.

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(V) ~~(U)~~ Direct, ~~fund and~~ <sup>AND PROVIDE FISCAL MANAGEMENT FOR</sup> operate the National Security Agency, and national, defense and military intelligence and reconnaissance entities as required.

(V) ~~(U)~~ Conduct, as the executive agent of the United States Government, signals intelligence activities and communications security, except as otherwise approved by the <sup>NATIONAL SECURITY COUNCIL</sup> ~~CPT~~.

(V) ~~(U)~~ Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government, <sup>IN COORDINATION WITH THE</sup>

(2) In carrying out these assigned responsibilities, the Secretary of Defense is authorized to utilize the following:

(i) The Defense Intelligence Agency whose functions, authorities and responsibilities are (currently publicly assigned by Department of Defense Directive No. 5105.21) to: <sup>PRODUCE OR PROVIDE</sup> ~~PRODUCE OR PROVIDE~~ <sup>OF</sup>

(A) ~~Produce or provide~~ military intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies.

(B) <sup>ON DF</sup> Coordinate all Department of Defense intelligence collection requirements ~~and manage the~~ <sup>(C) MANAGEMENT OF THE</sup> Defense Attache system.

(C) Establish substantive intelligence priority goals and objectives for the Department of Defense and provide guidance on substantive intelligence

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(VII) CONDUCT FOREIGN COUNTERINTELLIGENCE ACTIVITIES WORLDWIDE IN SUPPORT OF DEPARTMENTS OF DEFENSE COMPONENTS, IN COORDINATION WITH THE

(D) Review and maintain cognizance over all plans, policies and procedures for noncryptologic intelligence functions of the Department of Defense.

(D) <sup>PROVISION OF</sup> ~~provide~~ intelligence staff support as directed by the Joint Chiefs of Staff.

(ii) The National Security Agency, whose functions, authorities and responsibilities shall include:

(A) ~~Establishment and~~ <sup>Operation</sup> of an effective unified organization for the signals intelligence activities of the United States Government, except for certain operations which are normally exercised through appropriate elements of the military command structure, or by the CIA.

(B) <sup>OF</sup> Exercise control over signals intelligence collection and processing activities of the Government, delegating to an appropriate agent specified resources for such periods and tasks as required for the direct support of military commanders.

(C) <sup>INSURE</sup> ~~Collection, [processing and dissemination]~~ <sup>TASKING</sup> of signals intelligence in accordance with objectives,

~~requirements, and priorities established by the Director of Central Intelligence~~ <sup>THROUGH THE NATIONAL INTELLIGENCE</sup> <sup>TASK</sup> <sup>CLINT</sup>

(D) <sup>PROCESSING AND</sup> ~~Dissemination~~ of signals intelligence to all authorized elements of the Government, including the Armed Services ~~[as requested]~~

(E) <sup>OPERATION</sup> ~~[Serving]~~ under the Secretary of Defense <sup>OF</sup> as the central communications security authority of the United States Government.

(F) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security.

(iii) Special offices for the collection of specialized intelligence through reconnaissance programs, whose functions, authorities, and responsibilities shall include:

(A) Carrying out <sup>RECONNAISSANCE</sup> consolidated programs <sup>FOR SPECIALIZED</sup> intelligence in accordance with tasking by the DCI through <sup>THE NATIONAL INTELLIGENCE TASKING CENTER</sup> for reconnaissance.

(B) Assigning responsibility to the various departments and agencies of the Government, according to their capabilities, for the research, development, procurement, operations and control of designated means of collection.

(C) Such other offices within the Department of Defense as shall be deemed appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.

<sup>THE DEPARTMENT OF</sup>  
(f) Energy Research and Development Administration.

<sup>SECRETARY</sup>  
The Administrator of the Energy Research and Development Administration shall:

(1) Produce intelligence required for the execution of <sup>THE SECRETARY'S</sup> his responsibilities and the mission of <sup>DEPARTMENT OF</sup> the Energy Research and Development Administration, herein after referred to as ERDA, including the area of nuclear and atomic energy.

# ON  
INTELLIGENCE &  
CONSENSUS  
ELEMENTS OF  
MILITARY  
SERVICES ADDED

(2) Disseminate such intelligence and provide technical and analytical expertise to other Intelligence Community organizations, ~~and be responsive to the guidance of the Director of Central Intelligence and the Committee on Foreign Intelligence~~

(3) Participate with other Intelligence Community agencies and departments in formulating collection requirements where ~~its~~ <sup>THE</sup> special technical expertise <sup>OF THE DEPARTMENT OF ENERGY</sup> can contribute to such collection requirements.

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(g) The Federal Bureau of Investigation. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(1) Detect and prevent ~~espionage, sabotage,~~ <sup>INTERNATIONAL TERRORIST ACTIVITIES, CLANDESTINE INTELLIGENCE ACTIVITIES</sup> subversion, and other unlawful activities by or on behalf of foreign powers through such lawful counterintelligence operations ~~within the United States,~~ including electronic surveillance, as are ~~necessary or~~ useful for such purposes.

(2) Conduct within the United States and its territories, when requested by officials of the Intelligence Community designated by the President, those lawful activities, including electronic surveillance, authorized by the President and specifically approved by the Attorney General, to be undertaken in support of foreign intelligence collection requirements of other ~~[intelligence]~~ <sup>WITHIN THE INTELLIGENCE COMMUNITY</sup> agencies.

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(3) Collect foreign intelligence by lawful means within the United States and its territories when requested by officials of <sup>AGENCIES WITHIN</sup> the Intelligence Community designated by the President to make such requests.

(4) Disseminate, as appropriate, foreign intelligence and <sup>FOREIGN</sup> counterintelligence information which it acquires to appropriate Federal agencies, State and local law enforcement agencies and <sup>IN COORDINATION WITH THE DCI,</sup> cooperating foreign governments.

(5) NEW <sup>NEW</sup> INVESTIGATIONS  
(6) <sup>NEW</sup> Carry out or contract for research,

development and procurement of technical systems and devices relating to the functions authorized above.

Sec. 5. Restrictions on Intelligence Activities.

Information about the capabilities, intentions and <sup>FOREIGN POWERS, ORGANIZATIONS, OR PERSONS AND THEIR AGENTS</sup> activities of ~~other governments~~ is essential to informed decision-making in the field of national defense and foreign relations. The measures employed to acquire such information should be responsive to the legitimate needs of our Government and must be conducted in a manner which preserves and respects our established concepts of privacy and our civil liberties.

<sup>THIS SECTION</sup>

~~Recent events have clearly indicated the desirability of government-wide direction which will ensure a proper balancing of these interests. This section of this Order~~ does not authorize any activity not previously authorized

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ADMINISTRATION  
INVESTIGATIONS



and does not provide exemption from any restrictions <sup>MADE BY STATUS OR EXECUTIVE ORDER</sup> otherwise applicable. Unless otherwise specified, the provisions of this section apply to activities both inside and outside the United States. References to law are to applicable laws of the United States.

(a) Definitions. As used in this section of this Order, the following terms shall have the meanings ascribed to them below:

(1) "Collection" means any one or more of the gathering, analysis, dissemination or storage of non-publicly available information without the informed express consent of the subject of the information.

(2) "Counterintelligence" means information concerning the protection of foreign intelligence or of national security information and its collection from detection or disclosure.

(3) "Electronic surveillance" means acquisition of a non-public communication by electronic means, without the consent of a person who is a party to, or, in the case of a non-electronic communication, visibly present at, the communication.

(4) "Employee" means a person employed by, assigned or detailed to, or acting for <sup>AN AGENCY, OFFICE OR FIELD</sup> ~~a United States foreign intelligence agency.~~ <sup>OF THE INTELLIGENCE COMMUNITY</sup>

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*IN SEC 2 OF DRAFT*

(5) "Foreign intelligence" <sup>which</sup> means information ~~OTHER THAN COUNTERINTELLIGENCE RELATING TO~~ concerning the capabilities, intentions and activities ~~of any foreign power, or of any non-United States~~ <sup>BORGANIZATIONS, PERSONS OR THEIR AGENTS,</sup> person ~~whether within or outside the United States, or~~ concerning areas outside the United States.

*IN SEC 2 OF DRAFT*

(6) "Foreign intelligence agency" means the Central Intelligence Agency, National Security Agency, and Defense Intelligence Agency; and further includes any other department or agency of the United States Government or component thereof while it is engaged in the collection of foreign intelligence or counter-intelligence, but shall not include any such department, agency or component thereof to the extent that it is engaged in its authorized civil or criminal law enforcement functions; nor shall it include in any case the Federal Bureau of Investigation.

*IN SEC 2 OF DRAFT*

(g) (7) "National security information" has the meaning ascribed to it in Executive Order No. 11652, as amended.

*AN ENTIRELY DIFFERENT DEFINITION IN NEW DRAFT*

(8) "physical surveillance" means continuing visual observation by any means; or acquisition of a non-public communication by a person not a party thereto or visibly present thereat through any means which does not involve electronic surveillance.

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(J)(9) "United States person" means United States citizens, aliens admitted to the United States for permanent residence and corporations or other organizations incorporated or organized in the United States.

(b) Restrictions on Collection. ~~Foreign intelligence~~ <sup>WITHIN THE INTELLIGENCE COMMUNITY</sup> Agencies shall not engage in any of the following activities <sup>FOR THE PURPOSE OF COLLECTING FOREIGN INTELLIGENCE OR FOREIGN COUNTERINTELLIGENCE</sup>

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(1) ~~Physical~~ surveillance directed against a United States person, unless it is a lawful surveillance conducted pursuant to procedures approved by the head of the ~~foreign intelligence~~ agency and directed against any of the following:

(i) ~~A~~ <sup>D</sup> present or former employees of such agency, its present or former contractors or their present or former employees, for the purpose of protecting foreign intelligence or <sup>FOREIGN</sup> counterintelligence sources or methods or national security information from unauthorized disclosure; or

(ii) a United States person, who is in contact with either such a present or former contractor or employee or with a non-United States person who is the subject of a foreign intelligence or <sup>FOREIGN</sup> counterintelligence inquiry, but only to the extent necessary to identify such United States person; or

(iii) a United States person outside the United States who is reasonably believed to be acting on behalf

of a foreign power or engaging in international terrorist or narcotics activities or activities threatening the national security.

(2) <sup>UNCONSENTED</sup> Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful

electronic surveillance under procedures approved by the <sup>AND PROMULGATED BY THE DIRECTOR OF CENTRAL INTELLIGENCE</sup> Attorney General; provided, that the Central Intelligence

Agency shall not perform electronic surveillance within the United States, except ~~for the purpose of testing~~

equipment under procedures approved by the Attorney General <sup>AND PROMULGATED BY THE DCI</sup> ~~consistent with law.~~

(3) Unconsented physical searches within the United States; or unconsented physical searches directed against United States persons abroad, except lawful searches under procedures approved by the Attorney General, <sup>AND PROMULGATED BY THE DCI</sup>

(4) Opening of mail or examination of envelopes of mail in United States postal channels except in accordance with applicable statutes and regulations.

(5) Examination of Federal tax returns or tax information except in accordance with applicable statutes and regulations.

(6) Infiltration or undisclosed participation within the United States in any organization for the purpose of reporting on or influencing its activities

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or members; except such infiltration or participation with respect to an organization composed primarily of non-United States persons which is reasonably believed to be acting on behalf of a foreign power.

(7) ~~DISSEMINATION AND STORAGE OF NON-PUBLICLY AVAILABLE~~ Collection of information, however

acquired, concerning the domestic activities of United States persons <sup>WITHIN THE UNITED STATES</sup> except:

(i) Information concerning corporations or other commercial organizations which constitutes foreign intelligence or <sup>FOREIGN</sup> counterintelligence.

(ii) Information concerning present or former <sup>(INCLUDING EMPLOYEES OF A NON-INTELLIGENCE ELEMENTS OF THE DEPARTMENT OR AGENCY)</sup> employees, present or former contractors or their present or former employees, or applicants for any such employment or contracting, necessary to protect foreign intelligence or <sup>FOREIGN</sup> counterintelligence sources or methods or national security information from unauthorized disclosure; and the identity of persons in contact with the foregoing or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry.

(iii) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons.

gathered abroad or from electronic surveillance conducted in compliance with Section 5(b)(2); or foreign intelligence <sup>OR FOREIGN COUNTERINTELLIGENCE</sup> acquired from cooperating sources in the United States.

(v) Information about a United States person who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities, <sup>OR TO PRESENT A DANGER TO THE SAFETY OF A PERSON PROTECTED BY THE UNITED STATES SECRET SERVICE,</sup>

(vi) Information concerning persons or activities that pose a clear threat to foreign intelligence agency <sup>OF AN AGENCY WITHIN THE INTELLIGENCE COMMUNITY</sup> facilities or personnel, provided, that such information is retained only by the foreign intelligence agency threatened and that proper coordination with the Federal Bureau of Investigation is accomplished.

(g) Dissemination and Storage. Nothing in this section of this Order shall prohibit:

(1) Lawful dissemination to the appropriate law enforcement agencies of incidentally gathered information indicating involvement in activities which may be in violation of law <sup>FEDERAL, STATE OR LOCAL LAWS,</sup> OR THE LAWS OF A FOREIGN GOVERNMENT.

(2) Storage of information required by law to be retained.

(3) Dissemination to foreign intelligence agencies of information of the subject matter types listed in Section 5(b)(7).

(8) THE RESTRICTIONS ON COLLECTION SET OUT IN THIS SECTION SHALL NOT APPLY TO ANY AGENCY WITHIN THE INTELLIGENCE COMMUNITY TO THE EXTENT THAT IT IS ENGAGED IN ITS AUTHORIZED CIVIL OR CRIMINAL LAW ENFORCEMENT FUNCTIONS, NOR SHALL IT APPLY IN ANY CASE TO THE FBI.

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*RESTRICTED TO PRESIDENT'S EYES ONLY*  
 (c) Assignment of Personnel. An employee of a foreign intelligence agency detailed elsewhere within the Federal Government shall be responsible to the host agency and shall not report to such employee's parent agency on the affairs of the host agency, except as may be directed by the latter. The head of the host agency, and any successor, shall be informed of the detailee's association with the parent agency.

(d) Prohibition of Assassination. No employee of the United States Government shall engage in, or conspire to engage in, political assassination.

(h) Implementation.

(1) This section of this Order shall be effective on March 1, 1976. Each department and agency affected by this section of this Order shall promptly issue internal directives to implement this section with respect to its foreign intelligence and counterintelligence operations.

(2) The Attorney General shall, within ninety days of the effective date of this section of this Order, issue guidelines relating to activities of the Federal Bureau of Investigation in the areas of foreign intelligence and counterintelligence.

Sec. 6. Oversight of Intelligence Organizations.

*WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT*  
 (a) There is hereby established an Intelligence Oversight Board, ~~hereinafter referred to as the Oversight Board.~~



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(1) <sup>INTELLIGENCE</sup> The Oversight Board shall have three members who shall be appointed by the President and who shall be from outside the Government and be qualified on the basis of ability, knowledge, diversity of background and experience. ~~The members of the Oversight Board may also serve on the President's Foreign Intelligence Advisory Board (Executive Order No. 11460 of March 20, 1969).~~ No member ~~of the Oversight Board~~ shall have any personal contractual relationship with any agency <sup>WITHIN</sup> ~~or department of~~ the Intelligence Community.

~~281~~ One member ~~of the Oversight Board~~ shall be designated by the President as <sup>INTELLIGENCE</sup> ~~its~~ Chairman.

(2) <sup>INTELLIGENCE</sup> ~~281~~ The Oversight Board shall:

(i) <sup>WRITTEN AND ORAL</sup> Receive and consider reports by Inspectors <sup>WITH RESPONSIBILITIES FOR ORGANIZATIONS WITHIN</sup> General and General Counsels ~~of~~ the Intelligence Community concerning activities that raise questions of legality or propriety.

(ii) Review periodically the practices and procedures <sup>WITH RESPONSIBILITIES FOR ORGANIZATIONS</sup> of the Inspectors General and General Counsels <sup>WITHIN</sup> of the Intelligence Community designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(iii) Review periodically with each <sup>ORGANIZATION WITHIN</sup> member ~~of~~ the Intelligence Community <sup>ORGANIZATION</sup> ~~and~~ internal guidelines to ensure their adequacy.

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(iv) Report periodically, at least quarterly, to the Attorney General and the President on its findings.

(v) Report in a timely manner to the Attorney General and to the President any activities that raise serious questions about legality.

(vi) Report in a timely manner to the President any activities that raise serious questions about propriety.

(b) <sup>WITH RESPONSIBILITY FOR ORGANIZATION</sup> Inspectors General and General Counsel <sup>WITHIN</sup> the Intelligence Community shall:

(1) <sup>IN A TIMELY MANNER TO THE INTELLIGENCE</sup> Transmit ~~to the~~ Oversight Board reports of any activities that come to their attention that raise questions of legality or propriety.

(2) Report periodically, at least quarterly, <sup>INTELLIGENCE</sup> to the Oversight Board on <sup>ACTIONS TAKEN WITH RESPECT TO ITS FINDINGS OR ANY</sup> ~~its findings~~ concerning <sup>RELEVANT FINDINGS</sup> questionable activities, if any. <sup>OF THE ATTORNEY GENERAL</sup>

(3) <sup>INTELLIGENCE</sup> Provide to the Oversight Board all information requested about activities within their respective departments or agencies.

(4) <sup>INTELLIGENCE</sup> Report to the Oversight Board any occasion on which they were directed not to report any activity <sup>INTELLIGENCE</sup> to the Oversight Board by their agency or department heads.

(5) Formulate practices and procedures <sup>INTELLIGENCE</sup> designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(c) Heads of intelligence agencies or departments <sup>HAVING AUTHORITY OVER ELEMENTS WITHIN THE INTELLIGENCE COMMUNITY</sup> shall:

(1) Report periodically to the <sup>INTELLIGENCE</sup> Oversight Board on any activities of their organizations that raise questions of legality or propriety.

(2) Instruct their employees to cooperate fully with the <sup>INTELLIGENCE</sup> Oversight Board.

(3) Ensure that Inspectors General and <sup>DEPARTMENTS OR</sup> General Counsels of their agencies have access to any information necessary to perform their duties assigned by paragraph (4) of this section.

(d) The Attorney General shall:

(1) Receive and consider reports from the <sup>INTELLIGENCE</sup> Oversight Board.

(2) Report periodically, at least quarterly, to the President with respect to activities of the Intelligence Community, if any, which raise questions of legality.

(e) The <sup>INTELLIGENCE</sup> Oversight Board shall receive staff support <sup>THROUGH THE EXECUTIVE OFFICE OF THE PRESIDENT</sup>. No person who serves on the staff of the Oversight Board shall have any contractual or employment relationship with any department or agency in the Intelligence Community.

~~(f) The President's Foreign Intelligence Advisory Board established by Executive Order No. 11460 of March 20, 1969, remains in effect.~~

Sec. 7. Secrecy Protection.

(a) In order to improve the protection of sources

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and methods of intelligence, all members of the Executive branch and its contractors given access to information containing sources or methods of intelligence shall, as a condition of obtaining access, sign an agreement that they will not disclose that information to persons not authorized to receive it.

(b) In the event of any unauthorized disclosure of information concerning sources or methods of intelligence, the names of any persons found to have made unauthorized disclosure shall be forwarded (1) to the head of applicable departments or agencies for appropriate disciplinary action; and (2) to the Attorney General for appropriate legal action.

(c) In the event of any threatened unauthorized disclosure of information concerning sources or methods of intelligence by a person who has agreed not to make such disclosure, the details of the threatened disclosure shall be transmitted to the Attorney General for appropriate legal action, including the seeking of a judicial order to prevent such disclosure.

(d) In further pursuit of the need to provide protection for other significant areas of intelligence, the Director of Central Intelligence is authorized to promulgate rules and regulations to expand the scope of agreements secured from those persons who, as an aspect of their relationship with the United States

Sec. 8. Enabling Data.

*POLICY REVIEW COMMITTEE*  
 (a) The ~~Committee on Foreign Intelligence~~ and

the Director of Central Intelligence shall provide for detailed implementation of this Order by issuing appropriate directives.

(b) All existing National Security Council and Director of Central Intelligence directives shall be amended to be consistent with this Order ~~(within ninety days of its effective date)~~

*EXECUTIVE ORDER 11905*  
 (c) This Order shall supersede the ~~Presidential~~ *UNITED STATES FOREIGN INTELLIGENCE ACTIVITIES*, Memorandum of November 5, 1971, on the "Organization *DATED FEBRUARY 19, 1976* and Management of the U.S. Foreign Intelligence Community."

(d) Heads of departments and agencies within the Intelligence Community shall issue supplementary directives to their organizations consistent with this Order ~~(within ninety days of its effective date)~~

(e) This Order will be implemented within current manning authorizations of the Intelligence Community. To this end, the Director of the Office of Management and Budget will facilitate the required realignment of personnel positions. The Director of the Office of Management and Budget will also assist in the allocation of appropriate facilities.

THE WHITE HOUSE,  
 February 18, 1976.

*Herbert R. Ford*

[FR Doc.76-5010 Filed 2-18-76;12:36 pm]